

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

I & CAD DEPARTMENT – Arbitration – Suits – Settlement of the disputes between the Contractor and the Department in execution of the work formation of Truncated Section of Earth Dam upto +68.00 Level from K.M.8.700 to K.M.9.000 of Kandaleru Reservoir Dam, Rapur Taluq, Nellore District awarded to Sri Vanga Venkata Reddy vide L.S.Agt.No.232/SE/84-85, dated 27-06-198 - Sanction of an amount of Rs.2,18,00,000/- towards full and final settlement in respect of the above work - Orders – Issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT(ARB)DEPARTMENT

G.O.Ms.No. 46

Dated the 24th March, 2009.
Read the following:

1. From Sri V.Raja Gopal Reddy & 3 other legal heirs of Late Sri V. Venkat Reddy, Reprn. dt.10-12-2008.
2. Govt.Memo.No.6134/ARB/08,I&CAD(ARB)Dept.dated 27-03-08.
3. From the ENC, Med.Irr, Hyd Lr.No.ENC/ Med/DCE III/OT1/ARB-2/2008, dt. 15-10-08.
4. From Sri V.Raja Gopal Reddy, S/o.Vanga Venkata Reddy, Legal Heir of Sri Vanga Venkata Reddy, Affidavit, dated 03-11-08.
5. From the SE., SSLC & SB.Circle, Dargamitta, Nellore, Lr.No.SE/SSLC&SB/NLR/DB/ATO.I/A20(V)/177, Dated 12.12.09.

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O R D E R:

Smt. Vanga Appamma W/o. Vanga Venkata Reddy and her sons in their representation first read above have submitted that the work of formation of earthen Dam of Kandaleru Reservoir, Rapur Taluq., Nellore Dist was awarded to late Sri Vanga Venkata Reddy on 27-06-1985. During the execution of work certain disputes had arisen between him and Govt. Those were referred to panel of Arbitrators. The said arbitrators passed the award on 29-9-94. They finally requested the Government to initiate conciliatory proceedings for resolution of the said claim which was confirmed by an award dated 29-09-1994 and by the Common judgement of the Hon'ble High Court of Andhra Pradesh, Hyderabad, dt. 18-09-2006.

2. The Government in the Memo. second read above, has referred the case to the Committee for Rayalaseema Region for conduct of conciliation with the legal heirs of the contractor.

3. The Engineer in Chief (Medium Irrigation), Hyderabad in the letter third read above, has furnished the report of the Conciliation Committee. The Committee in their report dated 09-09-2008, has recommended that conciliation arrived at with the contractor is effective and favourable to the Government. Based on the report of the conciliation Committee for Rayalaseema Region, the Principal Secretary

P.T.O.

to Government, I & CAD Department has finally held conciliation with the legal heir of the Contractor. The Legal Heir of the Contractor has agreed for final settlement of Rs.2.18 Crores and furnished an affidavit in this regard and also declared that he will withdraw all legal proceedings pending in the A.P. High Court or in any other courts.

4. The Superintending Engineer, S.S.L.C. & S.B., Dargamitta, Nellore in the letter fifth read above has furnished the legal opinion of the Government Pleader, Nellore, wherein the Government Pleader has stated that mere affidavits may not be legally sufficient and it is desirable to take an agreement on proper stamp from the parties, that they are willing to receive a total sum of Rs.2,18,00,000/- including interest in full quit of their claims and withdraw all the claims pending before the Court. Accordingly, the Legal Heir (i.e., Sri V.Raja Gopal Reddy) has furnished an affidavit on Rs.100/- non-judicial stamp paper and concluded agreement, wherein he has declared that he will withdraw all his legal proceedings in Andhra Pradesh High Court or in any other courts, if the above amount including interest amounting to Rs.2,18,00,000/- is paid to him in token of settlement of the arbitration claims pending in courts in this case. The S.E. has also furnished the copy of the same.

5. Government after careful examination hereby accord sanction for an amount of Rs.2,18,00,000/- (Rupees two crores and eighteen lakhs only) towards full and final settlement of the case to Sri V.Raja Gopal Reddy, S/o.V.Venkatareddy, Legal Heir in respect of the work relating to "Formation of Truncated Section of Earth Dam upto +68.00 Mts. Level from K.M.8.700 to K.M.9.000 of Kandaleru Reservoir Dam, Rapur Taluq, Nellore District awarded to Sri Vanga Venkata Reddy vide L.S.Agt.No.232/SE/84-85, dated 27-06-198.

6. The said amount shall be debited to the following Head of Account:

"MH 4701-COL on Major and Medium Irrigation – 01 – Major Irrigation (Commercial) – MJ 123 TGP – SH 26 D & A – 530/531 OE".

7. The Engineer-in-Chief, Telugu Ganga Project, Srikalahasti, is requested to arrange to pay an amount of Rs.2,18,00,000/- (Rupees two crores and eighteen lakhs only) to Sri Vanga Raja Gopal Reddy, S/o.V.Venkata Reddy, Legal Heir. He is also requested to deduct the amount that are recoverable on whatsoever account.

8. This order issues with the concurrence of Finance (W&P) Department, vide their U.O.No.1054/F7(A)/09, dt.21.03.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRL.SECRETARY TO GOVERNMENT

To
The Chief Engineer, Telugu Ganga Project, Srikalahasti, Chittoor District.

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The Superintendent Engineer, TGP Circle, Dargamitta, Nellore District.
Sri Vanga Raja Gopal Reddy, S/o.V.Venkata Reddy,
H.No.12-3-86/1, Prakash Nagar, Near DSP Bunglow,
Narasaraopet, Guntur District.

Copy to:

The Finance (W&P) Department. (with a request
to release LOC for the sanctioned amount).

The I & CAD (P&B) Department.

The Accountant General, Andhra Pradesh, Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The Deputy Pay and Accounts Officer, Secretariat, Hyderabad.

The Advocate-General, High Court of A.P., Hyd.

The Govt. Pleader for Arbitration, A.P.High Court, Hyderabad.

SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER